



AMERIPEN™

The power of packaging in balance.™

AMERIPEN
American Institute for Packaging and the Environment

Comments on

House Bill 6664
An Act Managing Waste and Creating a Waste Authority

Connecticut General Assembly Joint Environment Committee

February 27, 2023

Senator Lopes, Representative Gresko and members of the Connecticut Joint Environment Committee.

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to provide comment on House Bill 6664 that seeks to establish an extended producer responsibility (EPR) program for packaging. AMERIPEN has developed [principles and objectives for financing](#) to provide funding for recycling systems and improve recycling outcomes for consumer packaging. We have appreciated engaging with the Connecticut Department of Energy and Environmental Protection (DEEP) and other stakeholders on these important issues for more than the past year.

We appreciate that DEEP and stakeholders engaged in the development of HB 6664 have considered significant constructive input from AMERIPEN on packaging producer responsibility in Connecticut. However, we believe that amendments to the bill are needed to ensure that the program envisioned by HB 6664 can be effectively and efficiently implemented and achieved over the long term.

AMERIPEN is a coalition dedicated to improving packaging and the environment. We are the only material neutral packaging association in the United States. Our membership represents the entire packaging supply chain, including materials suppliers, packaging producers, consumer packaged goods companies and end-of-life materials managers. We focus on science and data to define and support our public policy positions and our comments are based on this rigorous research rooted in our commitment to achieve sustainable packaging and efficient recycling policies. We have several member companies with a presence in Connecticut, and many more who import packaging materials and products into the state. The packaging industry in Connecticut supports nearly 13,000 jobs and accounts for more than \$4 billion in total economic output.

Packaging plays a vital role in Connecticut, ensuring the quality of consumer goods as they are manufactured, shipped, stored and consumed, protecting the health and safety of Connecticut residents who consume, use and handle those products. Packaging has value and none of it belongs in landfills, roadsides or waterways. We need to recover it to be recycled and reused, and no one knows better how to do that than the AMERIPEN members who design, supply, produce, distribute, collect and process it. They are driving innovation, designing packaging for better environmental performance to boost recycling and evolve the recycling infrastructure.

AMERIPEN supports policy solutions, including packaging producer responsibility, that are:

- **Results Based:** Designed to achieve the recycling and recovery results needed to create a circular economy.
- **Effective and Efficient:** Focused on best practices and solutions that spur positive behaviors, increase packaging recovery, recapture material values and limit administrative costs.
- **Equitable and Fair:** Focused on all material types and funded by shared cost allocations that are scaled to make the system work and perceived as fair among all contributors and stakeholders.

AMERIPEN recognizes that the health of a recycling system is critical and that there is a shared responsibility that producers can play in improving that system. **We appreciate that HB 6664 provides for a system where producers are invested proactively in finding solutions for recycling, proposing feasible recycling goals, and developing a “reasonable rate” for funding recycling activities in Connecticut.** Below are our key areas of focus for additional proposed amendments and recommendations for HB 6664 that we hope can be addressed to create a fully workable program of packaging recycling and recovery financing for Connecticut.

Contracting, Reasonable Rates and Recycled Materials Revenue – In several areas in HB 6664, the stewardship plan requirements assume that a stewardship organization will take over and be directly contracting with service providers for all recycling services. However, section (bb) makes it clear that municipalities will have the option to (1) continue provision of service without reimbursement, (2) continue provision of service for a reimbursement at a “reasonable rate” from a responsible party or stewardship organization, or (3) opt out of providing service, thereby making a responsible party or stewardship organization responsible for directly contracting with a private service provider for services and calculating and dispersing funding at a “reasonable rate” for collection, transportation, processing and marketing performed by the private service provider for the municipality. We believe this approach may be workable, but for the municipality and/or local service providers in each scenario, we interpret the language to mean that local governments remain in control of the system and maintain ownership of and proceeds from recyclable materials. ***To this end, additional language is necessary in HB 6664 to account for this type of structure within the program, so that producer reimbursements to municipalities account and are discounted for those revenues that recycling entities are receiving from the sale of packaging materials on the open market.***

Disposal Costs – Section (c), lines 171-172 on page 6 of HB 6664 references “*the net cost of end-of-life management of discarded covered materials, including the cost of collection, transportation and processing of recyclables and municipal solid waste incinerated or landfilled inside or outside the state*” as part of the scope of work of the study the responsible party or stewardship organization must fund to assess recycling and covered materials management needs in the state. We are concerned that this implies that a responsible party or stewardship organization could be responsible for reimbursement for the disposal of covered materials that are not just considered contamination in the recycling system. Landfilling is currently the lowest cost method for dealing with solid waste in every state and jurisdiction, and any such provision in HB 6664 could make landfilling even less expensive by reimbursing municipalities or waste haulers for the landfilling of packaging materials. Landfilling of covered materials would undermine the state’s solid waste goals and should not be supported in any way as part of the packaging producer responsibility program proposed in HB 6664. ***We strongly encourage the Committee to review the language referenced above and amend it as necessary to clarify that a responsible party or stewardship organization will not be required to provide reimbursements for the landfilling of covered packaging materials.***

Statewide Collection List – AMERIPEN believes any packaging producer responsibility program enabled in Connecticut must include a minimum uniform list of packaging format and material types that must be accepted for recycling by any municipality or waste hauler receiving reimbursement for services from

a responsible party or stewardship organization. This is commonly referred to as a “statewide collection list” and is critical to create a scalable and uniform packaging recovery and recycling system to aid everyone along the packaging value chain, from packaging manufacturers and brand owners (producers) to municipalities and service providers. This type of list will also greatly help consumers know what materials can or cannot be recycled across the state under the program. ***We respectfully request DEEP to work with this Committee and stakeholders, including AMERIPEN, to draft amendments to HB 6664 to address this important issue and create such a minimum list.***

Reduction Rate Goal Limits Economic Growth – Section (f)(5)(A) in HB 6444 requires a minimum reduction rate for each covered material. However, taken literally, this would result in caps on the number of units of packaging and unit sales a producer or material could have each year. This would place an arbitrary limit on the growth of all companies and markets. ***We do not believe this is the intention of this provision and it is therefore imperative that this goal area be clarified so that a statutory cap on the number of units a company can produce is not codified in statute.***

Litter – based on dialog with DEEP, we appreciate that the current version of HB 6664 clearly indicates in section (f)(10) that a program stewardship plan shall not include payments for litter cleanup and includes several other suggestions for how the stewardship plan can assist with litter in the state through grant funding, education, etc. We can support that approach. However, the same section also requires a stewardship plan to “describe how the program will abate covered materials litter in the state.” AMERIPEN does not support requiring producers to abate litter, as consumer behavior and practices regarding litter is outside their control. ***We suggest an amendment to this language to require a stewardship plan to “describe how the program will address covered materials litter in the state.”***

#

In conclusion, AMERIPEN recognizes the need to expand and improve the recycling system in Connecticut through shared responsibility and appreciates the very hard work that DEEP and other stakeholders have put into HB 6664. We support packaging producer responsibility and policy solutions that are results based, efficient and effective, and equitable and fair, and we remain committed to being a partner to find the right path forward that will improve packaging recovery and recycling in Connecticut through a level playing field. We hope that our comments and recommendations provide useful ways to amend HB 6664 to clarify our key issues above and we look forward to continuing the dialogue with the Committee, DEEP and other key stakeholders.